

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

IN RE: ELECTRONIC CASE FILING ) G.O. 03-6

**FILED**

OCT 14 2003

ROBERT J. DODD, CLERK  
U.S. DIST. COURT, WESTERN DIST. OF OKLA.  
BY CS DEPUTY

**ORDER**

Electronic case filing will be implemented in phases commencing October 13, 2003. Effective that date, the attached Electronic Case Filing Policies and Procedures Manual becomes applicable.

Mandatory electronic filing will not be required until so ordered by the Court.

IT IS SO ORDERED this 14th day of October, 2003.



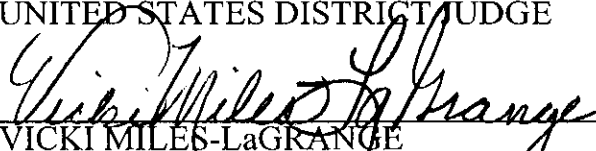
ROBIN J. CAUTHRON, CHIEF  
UNITED STATES DISTRICT JUDGE



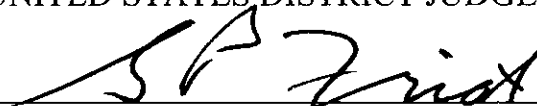
DAVID L. RUSSELL  
UNITED STATES DISTRICT JUDGE



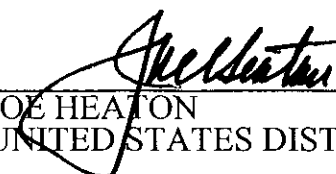
TIM LEONARD  
UNITED STATES DISTRICT JUDGE



VICKI MILES-LAGRANGE  
UNITED STATES DISTRICT JUDGE



STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE



JOE HEATON  
UNITED STATES DISTRICT JUDGE

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA**  
[www.okwd.uscourts.gov](http://www.okwd.uscourts.gov)

# **ELECTRONIC CASE FILING POLICIES & PROCEDURES MANUAL**



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**POLICIES AND PROCEDURES FOR FILING, SIGNING, AND VERIFYING  
PLEADINGS AND PAPERS BY ELECTRONIC MEANS  
CIVIL AND CRIMINAL CASES**

October 14, 2003

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA  
www.okwd.uscourts.gov

ELECTRONIC CASE FILING  
FOR CIVIL AND CRIMINAL CASES

POLICIES & PROCEDURES MANUAL

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# **POLICIES AND PROCEDURES FOR FILING, SIGNING, AND VERIFYING PLEADINGS AND PAPERS BY ELECTRONIC MEANS CIVIL AND CRIMINAL CASES**

## **INTRODUCTION**

It is the policy of the United States District Court for the Western District of Oklahoma to require attorneys and other permitted registrants to file papers with the Court electronically over the Internet except as may be stated in these policies. Parties will be able to view dockets and many documents electronically through the PACER system, regardless of their participation in the Electronic Case Filing (“ECF”) System. LCvR5.1 and LCrR49.1 authorize electronic case filing in accordance with Fed. R. Civ. P. 5(e) and Fed. R. Crim. P. 49(d). The following policies and procedures govern electronic filing in this District unless, due to circumstances in a particular case, the assigned judge determines that these policies and procedures should be modified.

## **I. ELECTRONIC CASE FILING SYSTEM**

### **A. GENERAL POLICY.**

After implementation of ECF, all papers submitted for filing in this Court in civil and criminal cases, no matter when a case was originally filed, shall be filed electronically using the ECF System or shall be scanned and uploaded to the ECF System, unless otherwise permitted by these policies and procedures or unless otherwise authorized by the assigned judge. Papers may also be submitted for filing to the Clerk on 3.5" disks or CD-ROM as Portable Document Format (“.pdf”) files.

**1. *Pro Se* Litigants.** Litigants proceeding *pro se* (without attorney representation) may not file electronically.

**2. Juvenile Criminal Matters.** Juvenile criminal matters shall not be filed electronically unless authorized by the Court.

**3. Cases Filed Under Seal.** A case filed under seal may not be filed electronically and will be maintained in paper form unless the assigned judge orders the case unsealed.

**4. Conventional Filing.** For cause shown, an attorney may apply to the assigned judge for permission to file documents conventionally. Even if permission to file papers conventionally is granted, that permission may be withdrawn at any time during the pendency of the litigation.

**5. Modifications and Amendments of ECF System Procedures.** The assigned judge may modify these procedures in specific cases without prior notice, if deemed appropriate. The Court may also amend these procedures at any time without prior notice. Modifications and amendments to ECF System procedures will be posted on the Court's website at [www.okwd.uscourts.gov](http://www.okwd.uscourts.gov).

## **B. REGISTRATION.**

Only those persons registered with the Court's ECF System will be able to electronically file papers with the Court. A participant's registration with the ECF System shall constitute a waiver of conventional service of papers.

**1. Who May Register.** Only attorneys or others authorized by the Court to register (e.g., receivers, mediators, those admitted *pro hac vice*, etc.) may register for access to the Court's ECF System.

### **2. How to Register.**

**a.** To register, complete and sign an official ECF Registration Form, attached to this manual as Form A. The form is also available as a fillable form on the Court's website at **[www.okwd.uscourts.gov](http://www.okwd.uscourts.gov)**.

**b.** All signed original ECF Registration Forms shall be mailed or delivered to:

ECF Registration  
Office of the Court Clerk  
United States District Court for the Western District of Oklahoma  
200 N. W. 4<sup>th</sup> Street, Room 1210  
Oklahoma City, OK 73102

**3. E-mail Address.** The e-mail address for service listed in the Registration Form will be the address required by Fed. R. Civ. P. 5, Fed. R. Civ. P. 77(d), and Fed. R. Crim. P. 49(c) for service, and transmission through the ECF System to that address of a Notice of Electronic Filing will constitute service. The registrant may also provide two (2) additional e-mail addresses to which courtesy copies of ECF notices will be sent. To confirm that the Clerk has correctly entered a registrant's Internet e-

mail address in the ECF System, the Clerk will send the registrant an Internet e-mail message upon assignment of User Login and Password.

**4. Change of Addresses.** If an e-mail address, mailing address, telephone, or fax number listed on the original ECF Registration Form changes, notice of the change shall be timely filed and served on all other parties using the Change of Address Form attached as Form B.

### **C. USER LOGINS AND PASSWORDS.**

Each person permitted by the Court to register will be given an ECF System User Login and Password for the Western District of Oklahoma. This User Login and Password permits participation in the electronic filing and retrieval of pleadings and other papers. The registrant may request assignment of the User Login utilized in another federal district court, but will be assigned a Password only applicable for this District. The combination of this User Login and Password will serve as the registrant's official signature for purposes of the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, and any applicable statute or regulation of the United States.

**1. Attorneys in Good Standing.** The Court will issue passwords only to attorneys in good standing. To be in good standing, an attorney must meet the requirements of LCvR83.2 and LCrR57.2.

**2. Password for a *Pro Hac Vice* Registrant.** An attorney admitted *pro hac vice* must register for a Password specific to this Court in accordance with these Policies and Procedures.

**3. Responsibility.** Once registered, the registrant is responsible and accountable for all documents filed with that User Login and Password.

**4. Security.** No registrant shall permit the User Login and Password to be utilized by anyone other than persons specifically authorized by the registrant. If a Password is believed to be compromised, the registrant must immediately notify the Clerk's Office by telephone at (405) 609-5000 or by e-mail at [helpdesk@okwd.uscourts.gov](mailto:helpdesk@okwd.uscourts.gov) and change the Password immediately using the ECF System's utility menu.

**5. Approval as ECF User.** Upon receipt of a User Login and Password, the registrant may begin filing papers electronically with the Court. The Clerk will mail the User Login and Password information by regular, first-class mail.

**6. Change of Password.** After registering, registrants may change their passwords as necessary using the ECF System's utility menu.



## **II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS**

### **A. FILING.**

#### **1. General Rules.**

**a.** The official court record shall be the electronic file maintained by the Clerk and any documents or exhibits filed conventionally.

**b.** All motions, pleadings, applications, briefs, memoranda of law, or other documents in civil and criminal cases shall be electronically filed on the ECF System **except** the following:

- i.** All charging documents in criminal cases (including the complaint, information, and indictment);
- ii.** All documents signed by a defendant in a criminal case;
- iii.** Criminal Justice Act vouchers;
- iv.** *Ex parte* submissions to the court;
- v.** Documents or cases to be filed under seal;
- vi.** Pleadings and other papers filed *pro se*;
- vii.** State court records and transcripts in habeas matters;
- viii.** Administrative records and transcripts in Social Security appeals;
- ix.** Administrative records in ERISA cases;
- x.** Documents larger than two (2) megabytes when converted to .pdf format;

**xi.** Handwritten pleadings; and

**xii.** Original official transcripts of court proceedings.

**c.** The following documents will be scanned, uploaded to the ECF System, and retained in paper form: all charging documents in criminal cases; all documents signed by a defendant in a criminal case; pleadings and other papers filed *pro se*; and handwritten pleadings. The following documents will not be scanned or available on the ECF System, but will be retained only in paper form: *ex parte* submissions to the court; documents or cases filed under seal; state court records and transcripts in habeas matters; administrative records and transcripts in Social Security appeals; administrative records in ERISA cases; documents larger than two megabytes; and original official transcripts of court proceedings. The Clerk will discard all other original documents brought to the Clerk's Office for filing once the documents have been scanned and uploaded to the ECF System. A filer who wishes to have any material returned shall retrieve that item within 24 hours of the date of filing (excluding weekends, holidays, and days when the Clerk's Office is closed).

**d.** E-mailing a document to the Clerk or to the assigned judge shall not constitute "filing" of the document. An electronically filed document shall not be considered filed for purposes of the Federal Rules of Civil or Criminal

Procedure until an ECF System-generated “Notice of Electronic Filing” described in II.B.1 of these procedures is transmitted to the filer.

e. Electronically filed documents must meet the requirements of the Federal Rules of Civil and Criminal Procedure and this Court’s Local Rules.

f. ECF registrants may file papers 24 hours a day, seven days a week. Filing a paper electronically does not, however, alter the filing deadline for that paper. If the assigned judge has ordered the pleading or other paper to be filed by a time certain, it must be filed by that time. Otherwise, a filing must be completed **before 6:00 p.m. Central time on the date it is due** to be considered timely filed.

## **2. New Civil Cases.**

a. The Clerk’s Office will accept Initiating Documents (*i.e.*, complaints, notices of removal, applications to proceed *in forma pauperis*, praecipes, summonses, and civil cover sheets) in paper form, on 3.5" floppy disk, on CD-ROM, or as an attachment to an e-mail. The filing party may transmit Initiating Documents via e-mail, United States mail, courier service, or in-person delivery.

i. If using e-mail, the filing party must submit Initiating Documents in .pdf format. Upon receipt of an e-mail, the Clerk’s Office will contact the filing party regarding payment of the filing fee. New civil cases will not be filed until the filing fee has been paid.

ii. If the Initiating Documents are not in digital format (*i.e.*, e-mail, 3.5" floppy disk, or CD-ROM), the Clerk's Office will scan the Initiating Documents and upload to the ECF System.

b. The party requesting summons must complete the praecipe and the top portion of the summons form and, if sending the praecipe and summons by United States mail or courier service, must also submit a stamped, self-addressed return envelope.

c. A party may not electronically serve the summons and complaint, but instead must perfect service according to Fed. R. Civ. P. 4.

d. The address for submitting Initiating Documents by e-mail is:

[newcases@okwd.uscourts.gov](mailto:newcases@okwd.uscourts.gov). **Only Initiating Documents may be sent to this e-mail address.**

### **3. Filing Fees.**

a. Any fee required for filing a pleading or other paper is payable to the Clerk by credit card, check, money order, or cash. The Clerk will not maintain electronic billing or debit accounts.

b. The filing fee must accompany Initiating Documents and notices of appeal transmitted via United States mail, courier service, or personal delivery.

### **4. Exhibits, Attachments, & Appendices.**

a. Exhibits, attachments, and appendices that are filed electronically shall be submitted as separate attachments to the pleading or other paper and shall be clearly labeled with the appropriate exhibit number, together with the number of pages contained in the exhibit (*i.e.*, Exhibit 15, page 1 of 25).

b. Exhibits, attachments, and appendices that are not available in electronic form must be filed conventionally. In addition, as the ECF System automatically rejects filings that are greater than two (2) megabytes, documents that exceed two (2) megabytes when converted to electronic form must be filed conventionally. Whenever a document or item is conventionally filed by an ECF registrant, the filer shall electronically file a Notice of Conventional Filing. A model form is attached as Form C.

**5. Oversized Documents.** If an electronically filed document, together with attachments, exhibits, or appendices, exceeds **40 pages**, the filer shall deliver one (1) paper copy of the document to the Clerk's Office within **three (3) days** of the date of filing (excluding weekends, holidays, and days when the Clerk's Office is closed). If the document is too large to staple, it should be bound at the left-hand margin in a manner that will permit it to be opened flat.

## **B. SERVICE.**

### **1. Service Through the ECF System.**

**a.** Whenever a pleading or other paper is filed electronically in accordance with these procedures, the ECF System will transmit a “Notice of Electronic Filing” to the filing party and any other party who is a registered participant of the ECF System.

**b.** If the recipient is a registered participant of the ECF System, the ECF System’s transmission of the “Notice of Electronic Filing” shall be the equivalent of service of the pleading or other paper by mail.

### **2. Service by Conventional Means.**

**a.** A party who is not a registered participant of the ECF System is entitled to a paper copy of any electronically filed pleading, paper, or order. The filing party must provide non-registered parties with a copy of the pleading, paper, or order in accordance with the Federal Rules of Civil or Criminal Procedure.

**b.** Counsel may serve any electronically filed pleading or paper on a party who is not a registered participant by e-mail, if the recipient has consented to such service in writing.

**3. Certificate of Service.** A certificate of service is still required when a party files any pleading or other paper electronically. The certificate must state the manner in which service or notice will be accomplished. Sample language for a certificate of service is attached as Form D.

**4. Time.** Fed. R. Civ. P. 6(e) and Fed. R. Crim. P. 45(c) apply to service by electronic means.

**C. SIGNATURES.**

**1. Attorney Signature.**

**a.** Whether filed electronically or submitted on disk or CD-ROM to the Clerk's Office, a pleading or other paper requiring an attorney's signature shall be signed with an electronic signature or in the following manner: "s/ (attorney name)." The correct format for an attorney signature is as follows:

Electronic Signature **or** s/ Lawyer Name  
Bar Number: xxxx  
Attorney for (Plaintiff/Defendant)  
ABC Law Firm  
xxx South Street  
Oklahoma City, OK 73102  
Telephone: (405) xxx-xxxx  
Fax: (405)xxx-xxxx  
E-mail Address for Service

**b.** Anything filed using an attorney's User Login and Password will be deemed to have been signed by that attorney for all purposes, including Fed. R. Civ. P. 11.

**2. Multiple Signatures.** Pleadings and other papers that are normally signed by more than one attorney, regardless of whether the attorneys represent the same party or different parties, may be signed as follows:

**a. Approval for Electronic Signature.** The attorney whose User Login and Password is being used to file the pleading or other paper ("filing attorney")

may obtain approval from any other attorney to state that the other attorney has authorized the filing attorney to electronically sign the document. Such approval shall be indicated as follows:

s/ Plaintiff Attorney      Electronic Signature or s/ Filing Attorney  
*(Signed by Filing Attorney with permission  
of Plaintiff Attorney)*

The filing attorney is responsible for maintaining a record of when and how permission was obtained to sign the other attorney's name until all appeals have been exhausted or the time for seeking appellate review has expired.

**b. Approval by Signature.** The filing attorney may obtain and maintain a paper copy of the document signed by the other attorney. Possession of a signed copy shall be indicated as follows:

s/ Plaintiff Attorney      Electronic Signature or s/ Filing Attorney  
*(Signed copy of document bearing  
signature of Plaintiff Attorney is being  
maintained in the office of Filing Attorney)*

The filing attorney shall maintain the signed copy of the document until all appeals have been exhausted or the time for seeking appellate review has expired.

**c. Scanned Signatures.** The filing attorney may obtain original signatures, scan the signature page **only**, and file it as an attachment to the pleading or other paper. The filing attorney shall maintain the signed original until all appeals have been exhausted or the time for seeking appellate review has expired.



### 3. Non-Attorney Signature.

**a. In General.** Documents that are required to be signed by persons who are not counsel of record (*e.g.*, verified pleadings, contracts, affidavits, etc.) may be submitted in electronic format in any of the following ways so long as the filer has and maintains the signed original until all appeals have been exhausted or the time for seeking appellate review has expired:

- i. An electronic version of the document bearing “s/ (name)” can be filed along with a statement that the filer has the signed original, for example:

s/ Plaintiff Smith\*

*\*I certify that I have the signed original of this document, which is available for inspection at any time by the Court or a party to this action.*

Electronic Signature or s/ Filing Attorney

- ii. An electronic version of the document bearing “s/ (name)” can be filed with a scanned copy of the signature page as an attachment.
- iii. If the document containing original signatures is not digitally available, it may be scanned and filed electronically.

**b. Signatures in Criminal Cases.** Several documents in criminal cases require the signature of a non-attorney, such as a grand jury foreperson, a defendant, a third-party custodian, a United States Marshal, or an officer from Pretrial Services or Probation. In general, the Clerk will scan all documents signed by non-attorneys in a criminal case, upload to the ECF System, and

retain in paper format **only** charging documents or papers signed by a defendant.

**4. Signature Disputes.** Anyone who disputes the authenticity of any signature must file an objection to the pleading or other paper within ten (10) days of service.

**D. TITLE OF DOCKET ENTRIES.**

The party electronically filing a pleading or other paper shall be responsible for designating a title for the document by using one of the docket event categories prescribed by the Court. The docket event categories are contained in the ECF Menu for Attorneys, which is attached as an exhibit to this Manual and can also be found on the Court's website at [www.okwd.uscourts.gov](http://www.okwd.uscourts.gov).

**E. FILING ERRORS.**

1. Once a pleading or other paper is submitted and becomes part of the case, the ECF System will not permit the filer to change the pleading or other paper or the docket entry.
2. Filers should make every effort to ensure that they do not file a pleading or paper other than the one intended to be filed, that it is filed in the correct case, and that it does not contain information that should have been filed under seal. The Clerk's Office should be immediately notified of any mistakes by telephone at (405) 609-5000 or by e-mail at [helpdesk@okwd.uscourts.gov](mailto:helpdesk@okwd.uscourts.gov). The notifier should provide the Clerk's Office with the case number and docket number of the erroneous entry. **The filer should not refile the document unless directed to do so.**

## **F. TECHNICAL FAILURES.**

### **1. Court's ECF System.**

**a.** A technical failure exists when the ECF System is unable to accept filings continuously or intermittently over the course of any period of time greater than two (2) hours after 12:00 p.m. that day. The ECF System will be unable to accept filings during periods of routine system maintenance, which will occur on Fridays, Saturdays, and Sundays from 3:00 a.m. to 7:00 a.m. In addition, the ECF System will be rebooted daily at 5:00 a.m.; it will be unavailable for approximately 15 minutes to accomplish this task. Check the Court's website for postings regarding any other ECF System outages.

**b.** Should a filing be made untimely as the result of a technical failure of the Court's ECF System, the filer may seek appropriate relief from the assigned judge.

**2. Filer's System.** Problems on the filer's end, such as phone line problems, problems with the filer's Internet Service Provider (ISP), or hardware or software problems, will not constitute a technical failure under these procedures or excuse an untimely filing. Upon a showing of good cause, the assigned judge may grant appropriate relief for an untimely filing.

## **G. ORDERS AND PROPOSALS.**

### **1. Orders Initiated by the Court.**

- a. Except for those orders filed under seal, all Orders shall be in electronic format.
- b. The judge may affix an electronic signature, sign using “s/ Judge Name”, or scan a copy of the signature page as an attachment to the order. Any order signed electronically has the same force and effect as if the judge had signed a paper copy of the order and it had been entered on the docket conventionally.
- c. When mailing or faxing a copy of an electronically filed order to a party who is not a registered participant of the ECF System, the Clerk will include the Notice of Electronic Filing to provide the recipient with proof of filing.

**2. Proposals Submitted by the Parties.**

- a. When filing a motion for which no supporting brief is required in accordance with LCvR7.2(f), (i), and (j), the moving party shall submit a proposed order granting the requested relief. The motion, which shall comply with LCvR7.2(f), (i), or (j), must be filed prior to submitting the proposed order, and the proposed order must refer to the docket entry number for the motion.
- b. All proposals submitted by the parties shall be in a format compatible with WordPerfect, which is a “Save As” option in most word processing software; proposals in .pdf format will not be accepted. All proposals shall be submitted to the Clerk via the designated mailbox for the assigned judge as indicated below. **Unless otherwise authorized, such mailboxes are to be used solely**

**for the purpose of submitting proposals, *e.g.*, proposed orders, proposed jury instructions, proposed findings of fact and conclusions of law, default judgments, and proposed judgments as ordered by the assigned judge. This submission is in addition to any filing obligation. All proposals shall be clearly identified in the subject line of the sender's e-mail as follows:**

**Proposed Order in [case number]**

**Plaintiff/Defendant's Proposed Jury Instructions in [case number]**

**Plaintiff/Defendant's Proposed Findings & Conclusions in [case number]**

**Default Judgment in [case number]**

**Proposed Judgment in [case number]**

**Any other court ordered proposal in [case number].**

Chief Judge Robin J. Cauthron	<a href="mailto:cauthron-orders@okwd.uscourts.gov">cauthron-orders@okwd.uscourts.gov</a>
Judge David L. Russell	<a href="mailto:russell-orders@okwd.uscourts.gov">russell-orders@okwd.uscourts.gov</a>
Judge Tim Leonard	<a href="mailto:leonard-orders@okwd.uscourts.gov">leonard-orders@okwd.uscourts.gov</a>
Judge Vicki Miles-LaGrange	<a href="mailto:mileslagrange-orders@okwd.uscourts.gov">mileslagrange-orders@okwd.uscourts.gov</a>
Judge Stephen P. Friot	<a href="mailto:friot-orders@okwd.uscourts.gov">friot-orders@okwd.uscourts.gov</a>
Judge Joe Heaton	<a href="mailto:heaton-orders@okwd.uscourts.gov">heaton-orders@okwd.uscourts.gov</a>
Judge Ralph G. Thompson	<a href="mailto:thompson-orders@okwd.uscourts.gov">thompson-orders@okwd.uscourts.gov</a>
Judge Lee R. West	<a href="mailto:west-orders@okwd.uscourts.gov">west-orders@okwd.uscourts.gov</a>
Judge Wayne E. Alley	<a href="mailto:alley-orders@okwd.uscourts.gov">alley-orders@okwd.uscourts.gov</a>

Magistrate Judge Doyle W. Argo	<a href="mailto:argo-orders@okwd.uscourts.gov">argo-orders@okwd.uscourts.gov</a>
Magistrate Judge Bana Roberts	<a href="mailto:roberts-orders@okwd.uscourts.gov">roberts-orders@okwd.uscourts.gov</a>
Magistrate Judge Gary M. Purcell	<a href="mailto:purcell-orders@okwd.uscourts.gov">purcell-orders@okwd.uscourts.gov</a>
Magistrate Judge Valerie K. Couch	<a href="mailto:couch-orders@okwd.uscourts.gov">couch-orders@okwd.uscourts.gov</a>
Magistrate Judge Robert E. Bacharach	<a href="mailto:bacharach-orders@okwd.uscourts.gov">bacharach-orders@okwd.uscourts.gov</a>
Magistrate Judge Ronald L. Howland	<a href="mailto:howland-orders@okwd.uscourts.gov">howland-orders@okwd.uscourts.gov</a>
Magistrate Judge Shon T. Erwin	<a href="mailto:erwin-orders@okwd.uscourts.gov">erwin-orders@okwd.uscourts.gov</a>

**3. Writ, Warrant, or Summons.** A party moving for issuance of a writ, warrant, or summons shall attach the writ, warrant, or summons in .pdf format to the proposed order (if one is needed).

**4. Default Judgment.** A party moving for entry of default shall, after filing a motion for default, submit the entry of default and the proposed judgment of default to the Clerk via the designated mailbox for the assigned judge indicated in § II.G.2.b.

## **H. PRIVACY.**

### **1. Redacted Documents.**

**a.** To comply with the policy of the Judicial Conference of the United States and the E-Government Act of 2002, filers shall omit or, where inclusion is necessary, partially redact the following personal data identifiers from all electronically filed pleadings, papers, and exhibits, unless otherwise ordered:

- i.** Minors' names: Use the minors' initials;
- ii.** Financial account numbers: Identify the name or type of account and the financial institution where maintained, but use only the last four numbers of the account number;
- iii.** Social Security numbers: Use only the last four numbers; and
- iv.** Dates of birth: Use only the year.

**b.** The filer may omit or, where inclusion is necessary, partially redact the following confidential information from all electronically filed pleadings, papers, and exhibits, unless the assigned judge orders otherwise:

- i.** Personal identifying number, such as driver's license number;
- ii.** Medical records, treatment, and diagnosis;
- iii.** Employment history;
- iv.** Individual financial information; and
- v.** Proprietary or trade secret information.

**2. Unredacted Documents.** With leave of Court, a filer may file under seal a document containing the unredacted personal data identifiers listed above.

**a.** The party seeking to file an unredacted document shall file a motion or application to file the document under seal pursuant to the E-Government Act of 2002.

**b.** If the motion or application is granted, the filer shall submit the unredacted paper document to the Clerk in a clearly identified envelope. The envelope shall contain the notation: “Document filed under seal pursuant to the E-Government Act.” The Clerk will retain this paper document as part of the record.

**c.** The assigned judge may require the filer to file a redacted copy for the public record. The redacted pleading or other paper shall be clearly identified as a redacted version.

**3. Responsibility to Redact.** The responsibility for redacting personal data identifiers rests solely with counsel and the parties. The Clerk will not review documents for compliance with this rule, seal documents containing personal data identifiers, or redact documents.



### **III. CONVENTIONAL FILING OF DOCUMENTS.**

The following procedures govern certain documents filed conventionally. The assigned judge, upon application, may authorize conventional filing of other documents.

#### **A. DOCUMENTS TO BE FILED UNDER SEAL.**

Leave of court is required to file a document under seal. An applicant shall request such leave by filing a motion or application and submitting a proposed order granting the relief. If the motion or application is granted, the filer shall then deliver the original and one copy of the document in clearly identified envelopes to the Clerk for conventional filing under seal. A document filed under seal will be maintained by the Clerk in paper form unless the assigned judge orders the document unsealed.

#### **B. *PRO SE* LITIGANTS.**

*Pro se* litigants shall file paper originals and one copy of all complaints, pleadings, motions, affidavits, briefs, and other documents. The Clerk will scan these original documents and upload to the ECF System, but will also maintain a paper file.

#### **C. SOCIAL SECURITY CASES.**

1. Absent a showing of good cause, all documents in Social Security cases shall be filed and noticed electronically except the Social Security administrative record and transcripts, which shall be conventionally filed and served. The Clerk will maintain the administrative record and transcripts in paper form and will limit access to them to the parties and counsel of record.

2. To address the privacy issues inherent in Social Security cases, Internet access to the individual documents will be limited to counsel of record. Docket sheets, however, will be available over the Internet to non-parties, who will continue to have direct access to the documents on file at the Clerk's Office, with the exception of the administrative record and transcripts.

#### **D. HABEAS AND PRISONER LITIGATION**

1. **Habeas Cases.** Absent a showing of good cause, all documents filed by attorneys in habeas cases shall be filed electronically except the state court record and transcripts, which shall be conventionally filed and served. The Clerk will maintain the state court record and transcripts in paper form until they are returned to the respondent.

2. **Prisoner Litigation.** Absent a showing of good cause, all documents filed by attorneys in prisoner litigation shall be filed electronically, including the *Martinez* report, which shall be redacted if necessary. The party directed to file the *Martinez* report shall also deliver one paper copy of the report to the Clerk's Office within three days of the date of filing (excluding weekends, holidays, and days when the Clerk's Office is closed).

#### **E. SERVICE OF CONVENTIONALLY FILED DOCUMENTS.**

1. All conventionally filed pleadings or other papers must comply with the requirements of LCvR5.2(c) or LCrR49.2(c), including the requirement of filing the original and one copy.
2. The filer must serve by conventional means copies of any conventionally filed item on all persons who are entitled to notice or service.
3. Whenever a document or item is conventionally filed by an ECF registrant, the filer shall also electronically file a Notice of Conventional Filing. A model form is attached as Form C.

#### **IV. PUBLIC ACCESS TO THE ECF SYSTEM**

##### **A. PUBLIC ACCESS AT THE COURT.**

Electronic access by the public to the electronic docket and documents filed in the ECF System is available at no charge at the Clerk's Office during regular business hours (generally, Monday through Friday, 8:30 a.m. to 4:30 p.m.). A copy fee for an electronic reproduction is required in accordance with 28 U.S.C. § 1930.

##### **B. REMOTE ACCESS.**

1. **PACER.** Remote electronic access to the ECF System is limited to subscribers to the Public Access to Court Electronic Records ("PACER") system. The Judicial Conference of the United States has ruled that a user fee will be charged for remotely accessing detailed case information, such as filed documents and docket sheets in civil

cases. Such fees do not apply to the initial viewing of a document served via a Notice of Electronic Filing. If, however, the document is again remotely accessed through PACER, a fee of seven cents (\$.07) per page will be incurred.

**2. Public Access to Criminal Case Records.** Only attorneys of record who have logged in using their User Login and Password will have remote access to documents in criminal cases. No public remote access to documents in criminal cases will be available unless authorized by the Court; remote public access to docket sheets in criminal cases, however, will be available. Also, members of the public may view electronic criminal files at the public terminals at the Clerk's Office.

**C. CONVENTIONAL COPIES AND CERTIFIED COPIES.**

Conventional copies and certified copies of electronically filed documents may be purchased at the Clerk's Office. The fee for copying and certifying will be in accordance with 28 U.S.C. § 1914.

## **V. GLOSSARY OF TERMS.**

### **CD-ROM:**

Compact Disk-Read Only Memory, which is capable of storing a large amount of electronic data in a format that cannot be altered.

### **Conventional Filing or Conventionally Submitted Document:**

a filing submitted in paper or other non-electronic, tangible format.

### **Electronic Case Filing or Electronic Filing:**

submitting a pleading, document, or other paper using the Court's Internet-based system (the ECF System) for filing in the Court's case file. Sending a paper to the Clerk or the assigned judge via e-mail does not constitute "electronic filing."

### **Electronic Signature:**

a digital version of an actual signature.

### **ERISA:**

Employee Retirement Income Security Act, 29 U.S.C. §§ 1001-1461.

### **Floppy Disk:**

item on which a limited amount of electronic data may be stored.

### **Internet Service Provider (ISP):**

a company that provides access to the Internet. For a monthly fee, the service provider gives you a software package, username, password, and access phone number. Equipped with a modem, you can then log on to the Internet, browse the World Wide Web (www), and send and receive e-mail.

### **Martinez Report:**

an investigative report prepared by prison officials pursuant to Martinez v. Aaron, 570 F.2d 317 (10th Cir. 1978), to develop a record sufficient to ascertain whether there are any factual or legal bases for a prisoner's claims.

### **Notice of Electronic Filing:**

the notice generated by the ECF System when a document is filed. The Notice of Electronic Filing includes information about what was filed, the text of the docket entry, the unique document stamp, and a list of case participants who will receive e-mail notification of the filing and a list of those who will not. The Notice of Electronic Filing contains a hyperlink to the filed document that permits the viewer to access the document **one time** through PACER without incurring charges. To do so, the

recipient of the Notice of Electronic Filing **must** access the document **within 30 days of receipt** using the **document number hyperlink** rather than the hyperlink for the case number. Selecting the case number hyperlink will cause PACER charges to be incurred.

**PACER:**

PACER is the Federal Judiciary's system for Public Access to Court Electronic Records. A PACER account is required to retrieve documents from the ECF System after the initial transmission. To register for a PACER account, visit the PACER Service Center's website at [www.pacer.psc.uscourts.gov](http://www.pacer.psc.uscourts.gov).

**Password:**

a series of letters and numbers initially assigned by the Court, which can be changed by the ECF registrant using the ECF System's utility menu.

**Portable Document Format (.pdf) Files:**

a .pdf file is a file that will look the same on the screen and in print, regardless of what kind of computer or printer is used and regardless of what software package was originally used to create it. A .pdf file is a picture of the original document that cannot be changed in any way, thereby safeguarding the information in the original document.

***Pro Se Parties:***

parties proceeding without attorney representation.

**Remote Access:**

offsite access to the Court's ECF System.

**Scanned Documents:**

an image recorded by an electronic device (a "scanner"). For best results, scanners should be configured to 200 dots per inch ("dpi") and black and white rather than color scanning. The filing party is responsible for the legibility of the scanned document.

**Server:**

a computer or device on a network (two or more computers linked together) that manages network resources. For example, a file server is a computer and storage device dedicated to storing files. Any user on the network can store files on the server. A print server is a computer that manages one or more printers, and a network server is a computer that manages network traffic. A database server is a computer system that processes database queries.

**Two (2) Megabytes (MB):**

two million bytes. A byte is the basic unit of information in computer storage and processing. Documents that are computer generated require fewer bytes than the equivalent pages of a scanned document. Likewise, documents that are text only use fewer bytes than graphics or photographs. For example, a computer-generated text-only document (that is a document that has been created using a computer-based word processing system and that does not contain any graphics or photographs) must be approximately 480 pages before it reaches the 2MB limit. In contrast, a single photograph can equal 2MB. As a good rule of thumb, if the document or image fits on a 3.5" floppy disk, it is less than 2MB.

**Upload:**

the process of adding electronic information from an external source.

**User Login:**

a series of letters and numbers assigned by the Court to each ECF registrant

**VI. ECF MENU FOR ATTORNEYS - CIVIL**  
**As Of July 29, 2003**

**Initial Pleadings and Service**

**Answer to Complaints**

- Answer to Amended Complaint
- Answer to Amended Counterclaim
- Answer to Amended Crossclaim
- Answer to Amended Third Party Complaint
- Answer to Complaint
- Answer to Complaint (Notice of Removal)
- Answer to Complaint (Social Security)
- Answer to Counterclaim
- Answer to Crossclaim
- Answer to Intervenor Complaint
- Answer to Notice of Condemnation
- Answer to Petition to Enforce IRS Summons
- Answer to Third Party Complaint
- Response to Habeas Petition
- Response to Habeas Petition (Amended)
- Response to Mandamus

**Complaints and Other Initiating Documents**

- Amended Complaint
- Complaint (Amended Third Party)
- Counterclaim
- Counterclaim (Amended)
- Crossclaim
- Crossclaim (Amended)
- Intervenor Complaint
- Third Party Complaint

**Other Answers**

- Affidavit in Opposition
- Affidavit in Support
- Amended Answer to Complaint
- Answer with Social Security  
Administrative Record
- Answer to Writ of Garnishment
- Claim
- Objection to Report & Recommendations
- Withdrawal of Claim

**Service of Process**

- Acknowledgment of Service
- Affidavit of Service
- Certificate of Service
- Request for Waiver of Service
- Service by Publication
- Summons Returned Executed
- Summons Returned Executed as to USA
- Summons Returned Unexecuted
- Waiver of Service Executed
- Waiver of Service Unexecuted

**Motions and Related Filings**

**Motions**

- Alter Judgment
- Amend /Correct
- Appeal *In Forma Pauperis*
- Appear
- Appoint Counsel
- Appoint Custodian
- Appoint Expert
- Appoint Guardian/Attorney ad Litem
- Appoint Receiver
- Approve Consent Judgment
- Attorney Fees
- Bifurcate
- Bond
- Certificate of Appealability
- Certify
- Certify Class
- Change Venue
- Clarify
- Compel
- Consent for Magistrate's Trial
- Consolidate Cases
- Contempt
- Continue
- Costs
- Damages
- Declaration of Mistrial
- Declaratory Judgment
- Default Judgment

**Motions (Continued)**



**VI. ECF MENU FOR ATTORNEYS - CIVIL**  
**As Of July 29, 2003**

Deposit Funds  
Directed Verdict  
Disbursement of Funds  
Discharge  
Disclosure  
Discovery  
Dismiss  
Dismiss /Lack of Jurisdiction  
Dismiss /Lack of Prosecution  
Disqualify Counsel  
Disqualify Judge  
Disqualify Juror  
Enforce  
Entry of default  
Exclude  
Exonerate  
Expedite  
Extension of Time  
Extension of Time to Amend  
Extension of Time to Complete Discovery  
Extension of Time to File Answer  
Extension of Time to File Response/Reply  
File Amicus Brief  
File Excess Pages  
Forfeiture of Property  
Hearing  
In Limine  
Intervene  
Issuance of Warrant *In Rem*  
Joinder  
Judgment  
Judgment Debtor Exam  
Judgment NOV  
Judgment as a Matter of Law  
Judgment of Forfeiture  
Judgment on the Pleadings  
Judgment Under Rule 54(b)  
Leave  
Leave to Appeal  
Leave to File Reply  
Letters Rogatory  
Lift Stay  
Limited Admission

**Motions (Continued)**

More Definite Statement  
New Trial  
Order  
Partial Summary Judgment  
Permanent Injunction  
Preliminary Injunction  
Pretrial Conference  
Proceed *In Forma Pauperis*  
Produce  
Protective Order  
Quash  
Reconsideration  
Recusal  
Release of Bond Obligation  
Release of Funds  
Remand  
Reopen Case  
Return of Property  
Ruling  
Sanctions  
Seal  
Seal Document  
Sealed Motion  
Service by Publication  
Set Aside  
Set Aside Default  
Set Aside Forfeiture  
Set Aside Judgment  
Set Aside Verdict  
Settlement  
Sever  
Show Cause  
Stay Case  
Strike  
Substitute Party  
Summary Judgment  
Supplement  
Take Deposition  
Taxation of Costs  
Temporary Restraining Order  
Three Judge Panel  
Transfer Case  
Traverse

**Motions (Continued)**

## **VI. ECF MENU FOR ATTORNEYS - CIVIL**

### **As Of July 29, 2003**

Unseal Document  
Vacate  
Withdraw  
Withdraw Reference  
Withdraw as Attorney  
Writ  
Writ of Garnishment  
Writ of Habeas Corpus *Ad Prosequendum*  
Writ of Habeas Corpus *Ad Testificandum*  
Writ of Mandamus

#### **Responses & Replies**

Affidavit in Opposition to Motion  
Affidavit in Support of Motion  
Memorandum in Opposition  
Memorandum in Support  
Objection to Report and Recommendations  
Objections  
Reply to Response to Motion  
Response in Opposition to Motion  
Response in Support of Motion  
Response to Motion  
Surreply

#### **Other Filings**

##### **ADR Documents**

Consent to Arbitration  
Consent to Mediation  
Objection to Report of Arbitrator / Mediator  
Request for Trial De Novo

##### **Appeal Documents**

Appeal Transcript Request  
Appeal of Magistrate Judge Decision to  
District Court  
Designation of Record on Appeal  
Notice of Appeal  
Notice of Cross Appeal  
Notice of Interlocutory Appeal  
Subsequent Notice of Appeal

##### **Bankruptcy Documents**

Appellants Brief

Appellants Reply Brief  
Appellees Brief

#### **Discovery Documents**

Notice to Take Deposition

#### **Notices**

Certificate of Counsel  
Notice (Other)  
Notice of Acceptance with Offer of Judgment  
Notice of Appearance  
Notice of Application for Writ  
Notice of Address Change  
Notice of Lis Pendens  
Notice of Settlement  
Notice of Voluntary Dismissal

#### **Other Documents**

Affidavit  
Affidavit of Garnishment  
Amended Document (NOT Motion)  
Amicus Curiae Appearance  
Appendix  
Application for Writ  
Bill of Costs  
Brief  
Certificate  
Disclosure Statement  
Joint Discovery Plan  
Jury Demand  
Objections to Answer to Writ  
Receivers Financial Report  
Response to Order to Show Cause  
Satisfaction of Judgment  
Settlement Agreement  
Social Security Admin Record  
Special Report  
Status Report  
Stipulation  
Stipulation of Dismissal

**VI. ECF MENU FOR ATTORNEYS - CIVIL**  
**As Of July 29, 2003**

**Other Documents (Continued)**

- Suggestion of Bankruptcy
- Suggestion of Death
- Transcript Request

**Trial Documents**

- Exhibit List
- Final Contentions
- Pretrial Report
- Proposed Findings of Fact
- Proposed Jury Instructions
- Proposed Voir Dire
- Trial Brief
- Witness List

**IV. ECF MENU FOR ATTORNEYS - CRIMINAL**  
**As Of July 29, 2003**

**Motions and Related Filings**

**Motions**

Acquittal  
Alter Judgment  
Amend/Correct  
Appeal In Forma Pauperis  
Appear  
Appoint Counsel  
Appoint Expert  
Bifurcate  
Bill of Particulars  
Bond  
Brady Materials  
Certificate of Appealability  
Change Venue  
Compel  
Consolidate Cases  
Continue  
Declaration of Mistrial  
Detain  
Disclosure  
Discovery  
Dismiss  
Dismiss Counts  
Dismiss/Lack of Jurisdiction  
Dismiss/Speedy Trial  
Disqualify Counsel  
Disqualify Judge  
Downward Departure  
Early Termination of Probation  
Exclude  
Expedite  
Extension of Time to File Document  
Extension of Time to File Response/Reply  
Extension of Time to Indict  
File Excess Pages  
Forfeiture of Property  
Handwriting Exemplars  
Hearing  
In Limine

**Motions (Continued)**

Inspect  
Joinder  
Judgment NOV  
Judgment of Acquittal  
Leave to Appeal  
Leave to File Document  
Medical Exam  
Medical Treatment  
Modify Conditions of Release  
New Trial  
Order of Competency to Stand Trial  
Produce  
Protective Order  
Psychiatric Exam  
Psychiatric Treatment  
Quash  
Reconsideration  
Recusal  
Reduce Sentence (Rule 35)  
Release from Custody  
Release of Funds  
Remand  
Return of Property/PostTrial  
Return of Property/PreTrial  
Return of Surety  
Revoke  
Sanctions  
Seal Case  
Seal Document  
Sealed Motion  
Separate Trial on Counts  
Service by Publication  
Set Aside Forfeiture  
Set Aside Judgment  
Set Aside Sentence  
Set Aside Verdict  
Sever Defendant  
Show Cause  
Show Cause re Revocation of Probation  
Show Cause re Revocation of Supervised Release

**Motions (Continued)**

## IV. ECF MENU FOR ATTORNEYS - CRIMINAL

### As Of July 29, 2003

Special Appearance

Strike

Suppress

Travel

Unseal Case

Unseal Document

Upward Departure

Vacate

Vacate (2255)

Warrant

Warrant for Arrest of Property

Withdraw Document

Withdraw Plea of Guilty

Withdraw Plea of *Nolo Contendere*

Withdraw as Attorney

Writ

Writ of Habeas Corpus *Ad Prosequendum*

Writ of Habeas Corpus *Ad Testificandum*

### Responses and Replies

Affidavit in Opposition to Motion

Affidavit in Support of Motion

Reply

Reply to Response

Response in Opposition

Response in Support

Response to Motion

Response to Order to Show Cause

### Other Filings

#### Appeal Documents

Appeal Transcript Request

Defendant Brief

Defendant Reply Brief

Designation of Record on Appeal

Government Brief

Government Reply Brief

Notice of Appeal

Transcript Order Form

### Discovery Documents

Joint Discovery Statement

Notice of Insanity Defense

Notice of Insanity Witness

Notice of Intent to Use Evidence

Notice of Issue of Foreign Law

Withdrawal of Insanity Defense

Withdrawal of Insanity Witness

### Notices

Advisement to Court - Notice

Memorandum Regarding Related Cases

Notice (Other)

Notice of Address Change

Notice of Attorney Appearance - Defendant

Notice of Attorney Appearance - USA

Notice of Consular Notification

Notice of Prior Conviction (by Plaintiff)

Notification of Previous Contact

### Other Documents

Affidavit

Amended Document (NOT Motion)

Brief

Certificate

Criminal Statement

Information to Establish Prior Conviction

Joint Discovery Statement

Memorandum to Issue Subpoenas

Objection to Presentence Investigation Report

Objection to Report and Recommendations

Pretrial Memorandum

Sentencing Memorandum

Status Report

Stipulations

Transcript Request

## **IV. ECF MENU FOR ATTORNEYS - CRIMINAL As Of July 29, 2003**

### **Service of Process**

- Application for Writ of Habeas Corpus
  - Ad Prosequendum*
- Application for Writ of Habeas Corpus
  - Ad Testificandum*
- Certificate of Service
- Subpoena Returned Unexecuted

### **Trial Documents**

- Exhibit List
- Exhibits
- Proposed Jury Instructions
- Proposed Voir Dire
- Request for Special Findings of Fact
- Stipulation to Jury
- Trial Brief
- Witness List

### **Waivers**

- Waiver of Counsel
- Waiver of Presentence Investigation Report
- Waiver of Right to Separate Counsel
- Waiver of Speedy Trial
- Waiver of Trial by Jury

## **VII. INDEX OF FORMS**

Form A – Registration Form with Cover Sheet

Form B – Change of Address Form

Form C – Notice of Conventional Filing

Form D – Sample Certificate of Service